

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DOUGLAS J. DiBIASI,  
v.  
STARBUCKS CORPORATION, et  
al.,  
Plaintiff,  
Defendants. }  
No. CV-07-276-LRS  
}  
**ORDER AWARDING  
STATUTORY DAMAGES,  
ATTORNEY FEES AND  
COSTS**

Plaintiff's Petition For Writ Of Certiorari was denied by the United States Supreme Court on October 3, 2011. An award of statutory damages, attorney fees and costs was stayed pending resolution of the Petition. (ECF No. 272). It is therefore now appropriate for the court to make the award as directed by the Ninth Circuit Court of Appeals. (ECF No. 260). Having reviewed all of the materials submitted by the parties, the court awards damages, fees and costs as follows:

## **STATUTORY DAMAGES**

Pursuant to RCW 4.24.510, Defendants Starbucks Corporation, Leslie Ruff and Heidi Parr are each awarded \$10,000 in damages from the Plaintiff.

**ORDER AWARDING STATUTORY  
DAMAGES, ATTORNEY FEES AND COSTS- 1**

1           **ATTORNEY FEES**

2           Pursuant to RCW 4.24.510 and 42 U.S.C. §1988(b), Defendants Starbucks,  
 3 Ruff and Parr are jointly awarded a total of \$156,797.62 in attorney fees from the  
 4 Plaintiff.<sup>1</sup> The court agrees with the arguments advanced in Defendants' Reply In  
 5 Support Of Second Declaration (ECF No. 271) and therefore, will not compel an  
 6 itemization of specific fees and costs attributable to the assertion of the immunity  
 7 defense under RCW 4.24.510.

8           The court used the hourly rates set forth in the Declaration of D. Roger  
 9 Reed (ECF No. 269) filed by Defendants. These are prevailing market rates for  
 10 Spokane attorneys for the years 2007-2009. The breakdown is as follows: 1) Mary  
 11 Gaston, Esq.- \$2,092.50 for 2007 (9.3 x \$225); \$16,426.50 for 2008 (69.9 x \$235);  
 12 64,650.00 for 2009 (258.6 x \$250); 2) Hugh Handeyside, Esq.- \$41,118 for 2008  
 13 (293.7 x \$140); \$67,897.50 for 2009 (411.5 x \$165); 3) Michael Teter, Esq.-  
 14 \$512.50 for 2007 (4.1 x \$125); \$938.00 for 2008 (6.7 x \$140); 4) Ashley Locke,  
 15 Esq.- \$406.00 for 2008 (2.9 x \$140); \$478.50 for 2009 (2.9 x \$165); 5) Kathryn  
 16 Reddy, Esq.- \$7,778.00 for 2009 (47.2 x \$165); and 6) Elaine Cherry- \$6,732.00  
 17 for 2009 (56.1 x \$120). The total is \$209,039.50, but this figure is reduced by  
 18 25% (\$52,259.88) in accord with the formula set forth in Paragraph 4 of the  
 19 Declaration of Hugh Handeyside (ECF No. 264). The court finds reasonable the  
 20 hours incurred by each attorney and paralegal.

21  
 22           **COSTS**

23           Pursuant to RCW 4.24.510 and 42 U.S.C. §1988(b), Defendants Starbucks,  
 24 Ruff and Parr are jointly awarded a total of \$18,319.79 in reimbursable costs from

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25  
 26           <sup>1</sup> The award to Defendants Starbucks and Ruff is pursuant to RCW  
 27 4.24.510 only. The award to Defendant Parr is pursuant to both RCW 4.24.510  
 28 and 42 U.S.C. §1988(b). (See ECF Nos. 246 and 260).

1 the Plaintiff (\$18,816.77 less \$496.98 in witness fees for Parr, Ruff, Dellwo,  
2 Neiswender, and Sullivan, which Plaintiff claims, and Defendants do not dispute,  
3 were paid by Plaintiff for these witnesses to testify in his case-in-chief).

4 **IT IS SO ORDERED.** The District Court Executive shall enter Judgment  
5 for Defendants Starbucks, Ruff and Parr against Plaintiff in the amounts set forth  
6 above and forward copies of the Judgment and this order to counsel of record.

7 **DATED** this 13th day of June, 2012.

8 *s/Lonny R. Sukko*  
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LONNY R. SUKCO  
United States District Judge